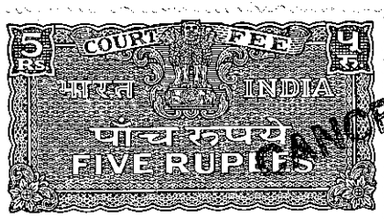

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

Conte. Pet. No.
~~WRIT PETITION NO.~~ 56 ~~2005~~

APPLICANT: A.C.Burman, s/O P.D.Burman, Aged 45 years, presently posted as Asst. commissioner, tribal development, Dist Durg, C.G.

~~VERSUS~~

NON- APPLICANTS:

1. D.R.Bhagat, S/o Keshaw Bhagat, Aged 46 yrs, Asst. commissioner, tribal welfare dept. Durg, C.G.
2. ~~Collector, Durg, C.G.~~ Jawahar Srivastava S/o .... Aged 54 yrs. Collector Durg (C.G.)

Application under section 12 of the contempt of Act and UnderArticle 215 of Constitution of India

P.R. No. 376/05
Presented by Shri D.P. Yadav
Dated 29.5.05

amendment incorporated on 29/7/05

(20)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Contempt No. 56 सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	09.8.2005 Shri S.C. Verma, learned counsel for the petitioner. Heard on admission. This contempt petition has been filed making allegations against, respondent no.2 Shri Jawahar Shrivastava, designated as Collector, Distt. Durg that he being in the capacity of the Collector has violated the order dated 28.9.2004 passed by the High Court in W.P.No.3226/2004. Learned counsel for the petitioner submits that as per the order dated 07.8.2004 the petitioner was transferred from Jashpur to Durg. He further submits that the petitioner joined at Durg on 17.9.2004. He also submits that respondent no.1 herein namely D.R. Bhagat has filed the writ petition No.3226/2004 in which an interim order dated 28.9.2004 was passed in the following terms: *"In the meanwhile, purely as an interim measure it is directed that the status quo be maintained by the parties till the next date of hearing."* Learned counsel further submits that status on 28.9.2004 was that the petitioner has already jointed at Durg and he was continued at Durg. Now the allegations in this contempt petition is that on 17.12.2004, the Collector has distributed some work to writ petitioner Shri D.R. Bhagat (petitioner in W.P.No.3226/04) and this petitioner as well. According to learned counsel for	

(21)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the petitioner, this amounts to contempt of the order dated 28.9.2004 passed by this court in the aforesaid writ petition by which it was directed that the status quo shall be maintained by the parties till the next date of hearing.

I have heard learned counsel at length and have also perused the records of the writ petition.

In fact, the order dated 28.9.2004 was passed in a matter of transfer which was challenged by the petitioner of the said writ petitioner. The meaning of order of status quo will therefore be taken that the persons (writ petitioner or respondent no.3, applicant of this contempt petition) shall not be disturbed from their respective places of postings till the next date of hearing and status quo in relation to their posting shall be maintained. This does not mean that any kind of work if allotted to them shall amount to contempt.

Having heard counsel for the petitioner and considering the facts and circumstances of the case, in the opinion of this court, no case is made out for initiating contempt proceedings against the non-applicants.

I do not find any merit in this petition and it is summarily dismissed without notice.

Sd/-
Sunil Kumar Sinha
Judge

(पीछे देखिये)